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IN THE

Supreme Court of the United States

UTAH SHARED ACCESS ALLIANCE, PETITIONER

v.

GLENN CARPENTER, IN HIS CAPACITY AS MANAGER OF THE SALT LAKE FIELD OFFICE OF THE BUREAU OF LAND MANAGEMENT, ET AL., AND SOUTHERN UTAH WILDERNESS ALLIANCE, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

AMICUS CURIAE BRIEF IN SUPPORT OF PETITION

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BRIEF OF THE UTAH ASSOCIATION OF COUNTIES AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

INTERESTS OF *AMICUS CURIAE*

The Utah Association of Counties ("UAC") is a voluntary, state-wide organization operated by the 29 counties of Utah. Formed in 1924, UAC assists county commissioners and other county officials by lobbying for

federal and state legislation and administrative action and at times litigating for judicial decisions and outcomes that are beneficial to the counties of Utah and county residents.[1] Public lands management is one of the core areas wherein UAC provides these services.

The BLM's more than 22 million acres of land in Utah make up nearly half of the State's geographic area. Nineteen of Utah's 29 counties have significant amounts of BLM land within their borders. These 19 counties are vitally interested in how BLM puts its lands and resources to use. They and the State of Utah have unique roles as state and local government "cooperating agencies" with BLM in developing, revising and amending BLM RMPs. 43 U.S.C. § 1712(c)(9), 43 C.F.R. §§ 1610.0-2, 1601.0-5(e), 1610.0-5(h). These counties have a valid, legally binding expectation that the BLM will coordinate its public lands inventory, planning and management activities with those of the counties wherein the lands are located, 43 U.S.C. § 1712(c)(9), and that the BLM's RMPs will be consistent with applicable county land use plans to the maximum extent the Secretary of Interior finds consistent with Federal law and the purposes of FLPMA. *Id.*, 43 C.F.R. §§ 1610.3-1(d)(1), 1610.3-2(a).

These 19 counties participate in rulemaking, decisionmaking and planning with respect to BLM lands. 43 U.S.C. §§ 1702(d), 1712(a), 43 C.F.R. § 1601.0-8. They

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[1]Pursuant to Supreme Court Rule 37.6, UAC states that no counsel for a party authored this brief in whole or in part, and that no person or entity, other than UAC, contributed monetarily to the preparation and submission of this brief.

are entitled to adequate notice and opportunity to comment upon and participate in the formulation, preparation and execution of plans and programs relating to the management of public lands. 43 U.S.C. §§ 1712(f), 1739(e). This participation requirement applies fully to RMP plan amendments. 43 C.F.R. §§ 1601.0-8, 1610.2(a), 1610.2(g), 1610.3-1(b).

The level and extent of county involvement in the preparation of RMPs and amendments thereto must be at least equal to the level and extent required under the National Environmental Policy Act ("NEPA"). 42 U.S.C. §§ 4321, *et seq.*, and associated implementing regulations, 43 C.F.R. § 1610.2(a). NEPA policy encourages and facilitates public involvement in any decision which affects the quality of the human environment. 40 C.F.R. § 1500.2(d).

These 19 counties also have an expectation that BLM orders, like those at issue in this case, which were carried out pursuant to 43 C.F.R. § 8341.2(a) and essentially amount to the "designation and redesignation of trails," will be carried out "through the resource management planning process described in part 1600 of this title," 43 C.F.R. § 8342.2(a), which process also applies to RMP amendments by virtue of 43 C.F.R. § 1610.3-1(b).

In sum these 19 counties are statutorily and administratively recognized as key players who help determine how BLM RMPs will strike a balance among the many competing uses to which Utah BLM lands can be put, whether at the formulation, revision or amendment stages of an RMP. Accordingly, these counties have a vital interest in seeing that BLM RMPs,

once approved, *are adhered to* in BLM's management practices during the life of the RMP, unless those RMPs are properly amended or revised pursuant to the provisions cited above.

This is not a passing academic interest. Most BLM RMPs in Utah are currently undergoing their first major revision in decades. As major players in this RMP revision process, these 19 Utah counties have to know that their years of RMP revision work, once complete, will result in an RMP that may be changed only through a NEPA-compliant public plan amendment process as opposed to the summary actions, no matter how well intentioned, of BLM field office personnel with no public input.[2] The heart of FLPMA and NEPA for UAC and its members is the cooperating agency public participation process. These 19 counties do not want to see that process frittered away and turned on its head by piecemeal summary BLM management decisions done in the name of "undue degradation prevention." That is why UAC, the main collective voice for these 19 counties in working with the BLM, is filing this *amicus curiae* brief in support of the petition.

The petitioner in this case is an off-highway vehicle ("OHV") advocacy group. UAC, however, takes no position on how much unrestricted OHV travel should or

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[2]Counties in other public lands states throughout the West also need this clarification, as many are in their own BLM RMP revision process. *See* web page entitled "Planning U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT National Land Use Planning," from BLM's national website of March 17, 2007 at *http://www.blm.gov/ wo/st/en/prog/planning. print.html*, saved in printable format and reprinted in the Appendix hereto at UAC 1a.

should not occur on the lands at issue in this case. UAC simply wants the public plan amendment process to be the vehicle for solving this and other public lands resource issues.

UAC has no financial interest in the outcome of this case. UAC is filing this brief with the consent of all parties. The written consents have been lodged with the Clerk of the Court.

STATEMENT

This case involves two BLM RMPs in Utah, one adopted in 1985 known as the Grand RMP for Grand and part of San Juan Counties, and one adopted in 1986 known as the Box Elder RMP for Box Elder County. T1471, T0839.[3] Both RMPs are still in effect today and both have designated vast amounts of BLM acreage as "open" to OHV and other motorized and motor-assisted uses. For the lands at issue in this case, those "open" designations have never been the subject of a formal public RMP plan amendment process. Thus those designations are still in effect today pursuant to *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 69 (2004).

The 1999 so-called BLM statewide policy goal to change RMP categories from "open" to "limited to designated roads and trails" (hereafter "1999 BLM Policy Goal"), T1245, T1722, was not promulgated by virtue of an RMP plan amendment process or other NEPA process.

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[3]References to the Tenth Circuit Appendix are "T__." References to the Petitioner's Appendix are "__a."

No plan revision or plan amendment procedures of FLPMA and its implementing regulations were employed. No environmental impact statement or environmental assessment was prepared. No FLPMA sanctioned and mandated cooperating agency process was undertaken.

The 1999 BLM Policy Goal contravened the Grand and Box Elder RMPs. Those RMPs designated certain lands as "open" to OHV use, and the Policy Goal said otherwise. BLM gave as the substantive justification for the 1999 BLM Policy Goal, its duty under 43 U.S.C. § 1732 to "prevent unnecessary and undue degradation." T3074. As a procedural matter, however, BLM *never once ran its undue degradation concerns through the cooperating agency public RMP plan amendment process, like FLPMA and NEPA demand it must do before contradicting an approved RMP.* To UAC's knowledge, since 1999 the BLM has not initiated such a process in order to reconcile the Grand and Box Elder RMPs and their "open OHV" designations, with the 1999 BLM Policy Goal which squarely repudiates those designations. In the tradition of the Old West, this amounts to an extra-legal stand-off now eight years in the making.

Ratcheting up this stand-off are the extant 2001 Grand County orders, 94a and 98a, and 2003 Box Elder County order, 104a, which repudiate earlier classifications of the Grand and Box Elder RMPs on a quarter million acres in Grand County and 189,000 acres in Box Elder County. Petitioner's Statement 5-6. All three orders were admitted efforts by BLM to implement the 1999 BLM Policy Goal. The Grand and Box Elder RMPs said yes to "open" OHV travel on several hundred thousand acres of land. The Grand County orders and Box Elder

County order said no to "open" OHV travel on that acreage.

None of the orders claimed an emergency, and they are hardly temporary. The 2001 Grand County orders both state that they shall remain in effect "until modified or the RMP is amended." 94a, 98a. The 2003 Box Elder County order remains in effect "until the considerable adverse effects giving rise to this limitation are eliminated and measures are implemented to prevent recurrence of these adverse effects." BLM gave the same substantive justification for these orders: They were driven by the requirement of 43 U.S.C. § 1732 to "prevent unnecessary and undue degradation." Again, however, BLM never ran its undue degradation concerns through the cooperating agency public RMP plan amendment process, like FLPMA and NEPA demand it must do before contradicting an approved RMP. To UAC's knowledge, in the six years that have elapsed since BLM issued the Grand County orders and the nearly four years that have elapsed since BLM issued the Box Elder County order, the BLM has not initiated such a process in order to reconcile the Grand and Box Elder RMPs and their "open OHV" designations, with the subject orders which squarely repudiate those designations.

In affirming the dismissal of petitioner's lawsuit against the BLM, the Tenth Circuit rejected petitioner's claim that the undue degradation clause of 43 U.S.C. 1732(b) cannot interfere with the BLM's duty to conform its management practices to existing RMPs pursuant to 43 U.S.C. 1732(a) unless the BLM undergoes a public FLPMA and NEPA compliant plan amendment process. The Tenth Circuit emphasized that the subject BLM orders fall under the umbrella of two unchallenged BLM

regulations, 43 U.S.C. §§ 8341.2, 8364.1, and related executive orders which appear to rest on the authority of the 43 U.S.C. § 1732(b) unnecessary and undue degradation prevention requirement. *Utah Shared Access Alliance v. Carpenter*, 463 F. 3d 1125, 1135-37 (10th Cir. 2006). However the Tenth Circuit failed to consider whether the BLM was still duty bound to initiate the public RMP plan amendment process to reconcile the tension between the contradictory orders and the RMPs, a tension which this Court said must be reconciled through a formal plan amendment process. *Norton*, 542 U.S. at 69 (2004).

The Tenth Circuit reasoned circularly that the Box Elder and Grand orders did not trigger *Norton's* plan amendment requirements because the orders themselves were not amendments. *Utah Shared Access Alliance*, 463 F.3d at 1135-36. The Tenth Circuit reached this conclusion without commenting on the obvious contradiction between the orders and the RMPs. More to the point, however, the Tenth Circuit reached this conclusion apparently without first consulting the checklist of circumstances which 43 C.F.R. § 1610.5-5 provides shall trigger an RMP plan amendment process.

REASONS FOR GRANTING THE PETITION

1. The Clarifying Direction Needed From This Court

The two core requirements of FLPMA[4], that BLM manage its lands according to its RMPs and not stray

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[4]*The Federal Land Policy and Management Act of 1976*, 43 U.S.C. §§ 1701, *et seq.*

from an RMP without going through a NEPA-compliant[5] public plan amendment process, 43 U.S.C. §§ 1712(a), 1732(a), *Norton*, 542 U.S. at 69 (2004), do not wither and crumble before FLPMA's unnecessary and undue degradation prevention requirement, 43 U.S.C. § 1732(b), like they did in the proceedings below. For the sake of numerous rural counties in Utah and other western states who have recently completed or are still engaged in the RMP revision process, this Court should grant the petition and establish an orderly way for BLM to honor all three requirements. Otherwise the RMP revision process now in full gear throughout the West will appear to many as a thing of naught, for fear that a doctrinaire land manager, no matter how well intentioned, may use the Tenth Circuit decision[6] as a way to immunize against the "distractions of NEPA" whenever the manager runs up against a resource issue that calls for possibly contradicting an RMP.[7]

Given the logical seams that run among FLPMA's equally binding RMP conformance, public plan amendment, and prevent undue degradation requirements, this Court would serve the counties and the BLM well by providing the following clarification in the present controversy:

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[5]*The National Environmental Policy Act of 1969*, 42 U.S.C. §§ 4321 *et seq.*

[6]The controlling authoritative sweep of that decision covers a large percentage of BLM's national acreage.

[7]As if one could just push the nouveau plan-amendment-proof "undue degradation" button and have all RMP plan amendment headaches go away.

a. When undue degradation concerns of a *non-emergency nature* arise, direct that they may lawfully trigger immediate summary orders of indefinite duration that are inconsistent with an RMP, *only after* BLM completes an orderly, NEPA-compliant public plan amendment process to look at whether, for how long and on what conditions the RMP should bend to those inconsistent orders or whether those orders should bend back to the RMP; and

b. When undue degradation concerns of an *emergency nature* arise, direct that they may lawfully trigger immediate summary orders of indefinite duration that are inconsistent with an RMP, *only if immediately followed on* by an orderly, NEPA-compliant public plan amendment process to look at whether, for how long and on what conditions the RMP should bend to those inconsistent orders or whether those orders should bend back to the RMP.

This clarification would save the BLM and its state and county cooperators untold time, grief and uncertainty in trying to sort through the interrelationship among the RMP conformance, the public RMP plan amendment requirement, and the requirement to prevent unnecessary and undue degradation.

2. The Fundamental Difficulty With the Tenth Circuit's Decision

The Tenth Circuit has mistaken the *substantive* requirement of 43 U.S.C. § 1732(b) as license for BLM to disregard FLPMA's and NEPA's core *procedural* mandates concerning cooperating agency and other public review, collaboration and participation in BLM's public

lands management planning and actions, particularly when those actions contradict previously approved bona-fide RMPs. 42 U.S.C. §§ 4321 *et seq.*, 43 U.S.C. §§ 1702(d), 1712(a), 1712(c)(9), 1712(f), 1732(a), 1739(e), 40 C.F.R. §§ 1500.2(d), 1501.7, 1502.9(c), 1503.1, 1503.4, 1506.6, 43 C.F.R. §§ 1610.0-2, 1601.0-5(b), 1601.0-5(c), 1601.0-5(e), 1601.0-5(h), 1601.0-8, 1610.2(a), 1610.2(g), 1610.3-1(a), 1610.3-1(b), 1610.3-1(d)(1), 1610.3-1(e), 1610.3-2(a), 1610.5-5, 8342.2(a).

3. The Tenth Circuit's Critical Disregard For the Effect of 43 C.F.R. § 1610.5-5

The Tenth Circuit decision below, *Utah Shared Access Alliance*, 463 F. 3d at 1135, noted that *House v. U.S. Forest Serv.*, 974 F. Supp. 1022 (E.D. Ky. 1997) and *Or. Natural Res. Council Fund v. Forsgren*, 252 F. Supp. 2d 1088 (D. Or. 2003) required a plan amendment and an EIS when management actions significantly change prior land use plans. The Tenth Circuit, however, purported to distinguish those cases because they did not involve closure orders made pursuant to 43 C.F.R. §§ 8341.2 and 8364.1. But those cases could not have involved those BLM regulations, because they are Forest Service cases. The court should have looked at recent similar BLM cases, for therein the court would have noted another BLM regulation not present in Forest Service cases, a regulation that specifically drives the plan amendment requirement for BLM. That regulation is 43 C.F.R. § 1610.5-5. It operates as a more than sufficient counterweight to §§ 8341.2 and 8364.1.

The Grand County and Box Elder County orders contradict the Grand and Box Elder RMPs enough to trigger the mandatory plan amendment requirement of 43

C.F.R.§ 1610.5-5. That specific provision falls under general provision 43 CFR § 1610.5 entitled "Resource management plan approval, use and modification." 43 C.F.R. § 1610.5-5 states in relevant part:

> A[resource management plan] amendment *shall be initiated* by the need to consider monitoring and evaluation findings, new data, *new or revised policy*, a change in circumstances or a proposed action that may result in a *change in the scope of resource uses* or *a change in the terms, conditions and decision of the approved plan.* An amendment *shall be made* through an environmental assessment of the proposed change, or an environmental impact statement, if necessary, public involvement as prescribed in § 1610.2 of this title, *interagency coordination* and consistency determination as prescribed in § 1610.3 of this title and any other data or analysis that may be appropriate.

Emphasis added.[8]

The Grand County and Box Elder County orders issued *pursuant to a new policy*, namely the 1999 BLM Policy Goal. The *scope* of "open" OHV and related camping uses under the Grand and Box Elder RMPs *changed* as a result of the Grand County and Box Elder

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[8]There is no language in 43 C.F.R. § 1610.5-5 that excuses BLM from the plan amendment process just because the changes in policies, terms or conditions make it necessary to "prevent unnecessary and undue degradation."

County orders. And as a result of those orders, the *terms, conditions and decision* of the approved Grand and Box Elder RMPs with respect to "open" OHV and related camping uses, *changed.* Yet the Grand and Box Elder RMPs never changed. They were never amended. Like two proverbial elephants in the kitchen, those RMPs lingered while BLM rode "policy goals" and policy implementing orders around them in 1999 and again in 2001 and 2003. Those circumstances are more than enough to trigger the RMP plan amendment requirement of 43 C.F.R. § 1610.5-5.

Subsequent to the Tenth Circuit decision below, the court in *Silverton Snowmobile Club v. Forest Service*, 433 F. 3d 772, 787 (10th Cir. 2006) noted as follows: That if BLM had ordered a "more than minor" change in RMP-approved snowmobile use, that would have triggered an RMP amendment with the attendant procedures of (1) preparation of an environmental assessment of the proposed action and alternatives as provided in 43 C.F.R. §§ 1610.4-6 and 1610.5-5, (2) full public involvement and opportunity to comment as provided in 43 C.F.R. 1610.2, and (3) complete interagency coordination as required by 43 C.F.R. § 1610.3.

The Ninth Circuit agreed that "BLM *must* amend a management plan when an action is proposed that changes either 'the scope of the resource uses' or the 'terms, conditions and decisions' of the plan." *Klamath Siskiyou Wildlands Center v. Boody*, 468 F. 3d 549, 556 (9th Cir. 2006) (emphasis in original) (holding that FLPMA and NEPA were violated when a 1994 BLM and Forest Service administered forest plan and its 2001 plan amendment that protected the "red tree vole" species with high-priority management, mandatory surveys prior

to any species or habitat disturbing actions, and a mandatory annual species review process, was followed by a BLM 2001 "memorandum" and a 2003 "memorandum" that eliminated the required pre-disturbance surveys and the high priority management altogether). The court rejected BLM's argument that the plan amendment requirements of § 1610.5-5 are inapposite because the memorandums merely "maintained" the earlier plan:

> It is clear the 2001 and 2003 ASR decisions amended the resource management plans. They resulted from the need to consider new information regarding the red tree vole and they changed the terms and conditions of the plans without complying with § 1610.5-5. Therefore, the ASR decisions violated FLPMA.

Id. at 556. The court also rejected the argument that the BLM's memorandums merely "implemented" established BLM policy:

> This argument sounds suspiciously similar to BLM's attempt to define the decisions as plan maintenance actions rather than plan amendments under FLPMA, and it fails for the same reasons: (1) BLM's actions amend, not merely maintain, the resource management plans, and (2) the ASR Decisions were rejected in the 2000 FSEIS. Indeed, for reasons explained in Part IV, *supra*, the ASR decisions changed the resource management plans substantially, and BLM was required to conduct NEPA

> analyses prior to implementing those changes.

Id. at 560.

Soda Mountain Wilderness Council v. Norton, 424 F. Supp. 2d 1241 (E.D. Cal. 2006) involved an earlier RMP whose objective was to double the area of a certain deer habitat preserve through acquisition of private lands that were checkerboarded in with the subject BLM lands. The RMP was later amended to withdraw that acquisition objective. Though BLM ran the plan amendment through the NEPA environmental assessment process, the Eastern District of California held the process violated NEPA and FLPMA for failure to perform a full environmental review. *Id.* at 1261. The court found unavailing the BLM's argument that the amendment merely continued the status quo and that redrawing of the deer habitat boundary had no environmental consequences. "At a minimum," the court said, "an adequate environmental assessment is necessary to determine whether the amendment may have a significant environmental impact, *inter alia*, on the [existing] management plan." *Id.* *See also id.* at 1269 (citing 43 C.F.R. § 1610.5-5).

Interestingly, the *Soda Mountain Wilderness Council* opinion also demonstrates how the BLM may fulfill the prevent undue degradation prevention requirement of 43 U.S.C. § 1732(b) *in the context and as part of, not to the exclusion or outside of,* the 43 C.F.R § 1610.5-5 required plan amendment process. *See* 424 F. Supp. 2d at 1269-1270.

4. The Tenth Circuit's "De Facto Amendments"

Analysis

43 C.F.R. § 1610.5-5 was likewise not analyzed in any of the BLM cases considered by the Tenth Circuit in its de facto amendments discussion. *Utah Shared Access Alliance*, 463 F. 3d at 1135-36. *See Humboldt County v. United States*, 684 F. 2d 1276, 1283 (9th Cir. 1982), *Am. Motorcyclist Ass'n v. Watt*, 543 F. Supp. 789 (C.D. Cal. 1982), *Sierra Club v. Clark*, 756 F. 2d 686 (9th Cir. 1985), and *Am. Sand Ass'n v. U.S. Dept. Of Interior*, 268 F.Supp. 1250 (S.D. Cal. 2003). In *Humboldt*, and *Am. Motorcyclist*, the opinions issued prior to 1983 when § 1610.5-5 was promulgated. In *Sierra Club*, the facts of that case arose prior to 1983. While *Am. Sand Ass'n* issued after § 1610.5-5 was promulgated, the court in that case had no reason to take up § 1610.5-5, because the NEPA and FLPMA challenges raised in that action did not rest on any claim that BLM's actions contradicted an earlier land use plan. The plaintiffs in that case simply did not assert that the § 8341.2(a) driven closures violated the 43 U.S.C. § 1732(a) RMP conformance requirement. Thus *Am. Sand Ass'n* did not adjudicate the relationship between § 8341.2(a) and § 1610.5-5.[9]

The forgoing line of cases cited in support of the

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[9]Moreover, just because 43 C.F.R. § 8341.2(a) authorizes BLM to immediately close trails and areas to certain vehicles "[n]otwithstanding the consultation provisions in § 8342.2(a)," it does not follow that § 8341.2(a) obviates those consultation provisions. The regulation could have provided that the consultation provisions in § 8342.2(a) *"do not apply"* when BLM performs a § 8341.2(a) closure." But it does not. It merely provides that "notwithstanding" those § 8342.2(a) provisions, which still apply, BLM may perform an immediate closure under § 8341.2(a) and then get on with the consultation required under § 8342.2(a).

Tenth Circuit's conclusion that the Grand and Box Elder orders did not amount to plan amendments, are not helpful in that they do not review a claim that BLM violated FLPMA for failure to amend a prior plan in the face of § 1610.5-5's requirement to do so. Moreover, the Tenth Circuit's "this is not a defacto amendment" conclusion is just as circular and unavailing under the force of § 1610.5-5, as were BLM's unsuccessful "maintenance" and "policy continuation" arguments in *Klamath Siskiyou*, 468 F. 3d at 556, 560. Unlike the actions reviewed in those cases, the Grand and Box Elder orders substantially changed the scope, terms, conditions and decision of already approved RMPs, thus triggering the plan amendment mandate of § 1610.5-5 and this Court's related holding in *Norton*.

5. The Need for Seasonable Jurisprudential Relief

With no relevant statutory or case authority to support it, the Tenth Circuit has somehow constructed a false dichotomy that leaves room for *either* undue degradation prevention *or* RMP compliance and amendment, but not both. No authority, to UAC's knowledge, relieves BLM of the foregoing procedural duties under FLPMA and NEPA in the name of undue degradation prevention. Admittedly, UAC is also unaware of any authority that does the converse. The point is BLM simply must perform both, and this Court should pierce the Tenth Circuit's false dichotomy and put RMP's back on solid footing before BLM goes too far down the road of *ad hoc* undue degradation management. That way the counties may work efficiently through the present nationwide RMP revision season without having to despair over whether their end product will have any reasonably lasting effect.

These and other good reasons exist for this Court to grant a writ of certiorari and construe FLPMA to require BLM to institute a plan amendment process whenever undue degradation concerns prompt BLM to want to issue a summary management order or policy directive that contradicts an RMP. In a non-emergency situation, that plan amendment process should happen first. In the case of an emergency, that process should immediately follow on the heels of the contradicting order. Either way, FLPMA retains its integrity, and all public lands stakeholders from the OHV enthusiast to the wilderness afficionado, are benefitted through the public participation process. Otherwise, today's RMP-violating OHV closure order may become tomorrow's RMP-violating OHV expansion order. Principle and law must transcend the spectrum of interests when it comes to upholding and preserving FLPMA's core RMP conformance and RMP plan amendment mandates.

CONCLUSION

For these reasons, *amicus curiae* Utah Association of Counties respectfully requests that the Court grant the petition for a writ of certiorari.

Respectfully submitted.

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UAC 1a

http://www.blm.gov/wo/st/en/prog/planning.print.html
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Planning U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
National Land Use Planning

To ensure the best balance of uses and resource protections for America's public lands, the BLM undertakes extensive land use planning through a collaborative approach with local, State and Tribal governments; the public; stakeholder groups. The result is a set of land use plans - called Resource Management Plans - that provide the framework to guide decisions for every action and approved use on the Nation's 258 million acres of surface lands and 700 million acres of mineral estate. Ensuring these plans are up-to-date is critical because so many Americans look to the public lands for a wide variety of resources, including energy, rights-of-way that support communications and energy delivery, a variety of recreational uses, and crucial habitat for species associated with the Western landscape, such as the sage grouse & pronghorn antelope.

In 2001, the BLM initiated an effort to evaluate and amend or revise its existing land use plans (many of which were more than 20 years old) in response to changing conditions and demands on the public lands. This included the preparation of new plans for designated units of the National Landscape Conservation System (NLCS). To-date, the BLM has completed 41 Resource Management Plans or plan

amendments, including 16 of 21 plans deemed time sensitive plans. Currently, more than 50 planning efforts are in various stages of completion. The BLM expects to complete more than 40 additional amendments, revisions, and new plans in the next 2 years.

The BLM became the first Federal agency to establish a consistent, permanent role for cooperating agencies by issuing a final Cooperating Agency Rule in April 2005. These planning regulations ensure the agency fully engages at all levels, including State, Tribal, and local governments, as well as other Federal agencies. The Cooperating Agency Rule supports the National Environmental Policy Act of 1969 (NEPA), which called on Federal, State and local governments to cooperate with the goal of achieving "productive harmony" between humans and their environment.

For more information about planning, please click here.